

**HAWAII STATE**

**HOUSE OF REPRESENTATIVES**

**REGULAR SESSION OF 2011**

***MINI JOURNAL***

***FLOOR REMARKS TO BE INSERTED***

**SEVENTEENTH DAY**

**FEBRUARY 14, 2011**

**OFFICE OF THE CHIEF CLERK**

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## SEVENTEENTH DAY

Monday, February 14, 2011

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2011, convened at 12:11 o'clock p.m., with Vice Speaker Manahan presiding, after which the Roll was called showing all Members present with the exception of Representatives Souki and Thielen.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixteenth Day was deferred.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 127 through 129) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 127, dated January 18, 2011, transmitting the Hawaii Ocean Resources Management Plan 2010 Annual Report, prepared by the Department of Business, Economic Development and Tourism, Coastal Zone Management Program, pursuant to HCR 137, SLH 2005.

Gov. Msg. No. 128, dated January 24, 2011, transmitting the Annual Report on the Status of the Office of Health Care Assurance Special Fund, prepared by the Department of Health pursuant to Section 321-1.4, HRS.

Gov. Msg. No. 129, dated January 27, 2011, transmitting a Report on the Statewide Children's Mental Health Services Plan, pursuant to Section 321-175, HRS, and the Biennial Review of Progress Made on the Child and Adolescent Mental Health Division's Four-Year Strategic Plan, pursuant to Section 321-176, HRS, prepared by the Department of Health, Child and Adolescent Mental Health Division.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 10 through 14) were received and announced by the Clerk:

Sen. Com. No. 10, transmitting S.B. No. 656, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 11, transmitting S.B. No. 1281, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 12, transmitting S.B. No. 1286, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 13, transmitting S.B. No. 1288, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," which passed Third Reading in the Senate on February 11, 2011.

Sen. Com. No. 14, transmitting S.B. No. 1386, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on February 11, 2011.

On motion by Representative Evans, seconded by Representative Pine and carried, the following Senate Bills passed First Reading by title and further action was deferred: (Representatives Nishimoto and Thielen was excused.)

S.B. No. 656, SD 1  
S.B. No. 1281, SD 1

S.B. No. 1286, SD 1  
S.B. No. 1288, SD 1  
S.B. No. 1386, SD 1

## INTRODUCTIONS

The following introductions were made to the Members of the House:

REMARKS DELIVERED: Rep. Luke

## ORDER OF THE DAY

At 12:16 o'clock p.m. Representative Pine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

## REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 158, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 158, pass Second Reading and be referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Fontaine  
Rep. Ward  
Rep. Pine  
Rep. Ching

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 158, entitled: "A BILL FOR AN ACT RELATING TO UNINSURED MOTOR VEHICLES," passed Second Reading and was referred jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, with Representative Fontaine voting no, and with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 623, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 623, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine  
Rep. Fontaine  
Rep. Ching

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 623, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OPERATION OF MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 916, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 916, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Fontaine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 916, entitled: "A BILL FOR AN ACT RELATING TO FUNDING FOR PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 1493, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 245, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 1069, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1069, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 563, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 566, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 566, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Riviere  
Rep. Ward  
Rep. Chong

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Ward voting no, and with Representative Thielen being excused.

Representatives Brower and McKelvey, for the Committee on Tourism and the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 647, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary, with Representative Thielen being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 721, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 721, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 1405, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1405, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Hanohano

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1405, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 1431, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1431, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Marumoto

TO BE INSERTED: Rep. Marumoto  
(Submit by Thursday, February 17)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1431, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 453, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

453, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Finance, with Representative Thielen being excused.

### SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering a certain House Bill for Third Reading by consent calendar. (Representative Thielen was excused.)

### THIRD READING

H.B. No. 1077, HD 2:

Representative B. Oshiro moved that H.B. No. 1077, HD 2, pass Third Reading, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Pine  
Rep. Evans  
Rep. Ward

At 12:37 o'clock p.m. Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

REMARKS DELIVERED: Rep. Marumoto  
Rep. Rhoads  
Rep. Pine

The motion was put to vote by the Chair and carried, and H.B. No. 1077, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Pine voting no, and with Representative Thielen being excused.

At 12:43 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1077, HD 2

### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 40 and 41) and concurrent resolutions (H.C.R. Nos. 47 and 48) were referred to Printing and further action was deferred:

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING THAT ALL EATING ESTABLISHMENTS AT THE UNIVERSITY OF HAWAII-MANOA CAMPUS BE REQUIRED TO ACCEPT STUDENT MEAL CARDS," was offered by Representative Nishimoto.

H.R. No. 41, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES NAVY TO DESIGNATE A PORTION OF THE WAIPIO PENINSULA SOUTH OF WAIPAHU DEPOT ROAD AS A STATE PARK," was jointly offered by Representatives Cabanilla, Aquino, Pine and Cullen.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT ALL EATING ESTABLISHMENTS AT THE UNIVERSITY OF HAWAII-MANOA CAMPUS BE REQUIRED TO ACCEPT STUDENT MEAL CARDS," was offered by Representative Nishimoto.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES NAVY TO DESIGNATE A PORTION OF THE WAIPIO PENINSULA SOUTH OF WAIPAHU DEPOT ROAD AS A STATE PARK," was jointly offered by Representatives Cabanilla, Aquino, Pine and Cullen.

### ANNOUNCEMENTS

REMARKS DELIVERED: Rep. Ching  
Rep. Aquino

At this time, the Members of the House of Representatives stood for a moment of silence in honor of the late Mr. Barney Hajiro.

### COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
40	Committee on Higher Education, then to the Committee on Finance
41	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
47	Committee on Higher Education, then to the Committee on Finance
48	Committee on Public Safety & Military Affairs, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
656, SD1	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1281, SD1	Committee on Education, then to the Committee on Finance
1286, SD1	Committee on Finance
1288, SD1	Committee on Finance
1386, SD1	Committee on Higher Education, then to the Committee on Finance

### COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
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308,      Committee on Judiciary  
HD1

783      Committee on Finance

808      Committee on Finance

833      Committee on Transportation, then to the Committee on  
Housing, then to the Committee on Finance

904,      Committee on Health, then jointly to the Committee on  
HD1      Consumer Protection & Commerce and the Committee on  
Judiciary

#### ADJOURNMENT

At 12:48 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 15, 2011. (Representatives Cabanilla and Thielen were excused.)